REMARKS

In response to the final Office Action dated July 17, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 6-9 and 19-20 are currently pending in this application. Claims 1-5, 10-18, and 21-24 were previously canceled without prejudice or disclaimer.

Rejection under § 103 (a)

The Office rejected claims 6-9 and 19-20 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,947,966 to Oko, Jr., *et al.* in view of U.S. Patent Application Publication 2001/0027564 to Cowan, *et al.*, in view of U.S. Patent 6,675,384 to Block, *et al*.

Claims 6-9 and 19-20, however, are not obvious over the proposed combination of *Oko*, *Cowan*, and *Block*. These claims recite, or incorporate, features that are not disclosed or suggested by *Oko*, *Cowan*, and *Block*. Independent claim 6, for example, recites "*configuring the batch of program data as tabular entries, with each entry comprising a linear arrangement of a timestamp, a corresponding rating, and a corresponding content attribute.*" Support for such features may be found at least at pages 13-16, and at Tables II and III, of the as-filed specification. Independent claim 6 is reproduced below, and independent claim 9 recites similar features.

> 6.   A method of formulating alternative programming, comprising:
>
> releasing a plot via a website;
>
> embedding alternative plots into channels;
>
> receiving user votes via the website for the alternative plots;
>
> tabulating the votes;
>
> based on the tabulation, sending an instruction to switch to an alternate channel for a particular alternative plot;
>
> receiving a batch of program data associated with a program;

configuring the batch of program data as tabular entries, with a first entry being a default entry comprising a linear arrangement of ratings and content attributes for the program, and each subsequent entry comprising another linear arrangement of a timestamp, a corresponding rating, and a corresponding content attribute, the timestamp being an offset from a start of the program;

retrieving a user profile specifying content attributes which a user wishes to block;

scanning the batch of program data in advance to determine a percentage of the program data that will be blocked according to the user profile;

when the percentage of the blocked program data exceeds a threshold percentage, then blocking the entire program; and

receiving control data comprising control instructions to alter a display screen at coordinates specified by the control data.

The proposed combination of *Oko*, *Cowan*, and *Block* does not obviate all these features. *Oko* discloses how users may vote to determine the direction of a program. *See, e.g.*, U.S. Patent 6,947,966 to Oko, Jr., *et al.* (Sep. 20, 2005) at column 2, lines 46-49. *See also id.* at column 2, lines 65-67, at column 3, lines 1-14, at column 3, lines 33-52, at column 6, lines 1-10, and at numerous other places. "Based upon the votes made, the various content providers will modify the content being sent to the viewing audience … in real time or near real time." *Id.* at column 6, lines 38-41. A content provider may "have optional content 86, which can be presented to network users depending upon the poll of the network users." *Id.* at column 7, lines 19-21. *Cowan* discloses a head end unit that can switch between substitute sources of content. A community of viewers may be divided into geographic zones. *See* U.S. Patent Application Publication 2001/0027564 to Cowan, *et al.* at paragraphs [0007] and [0021]. A substitute signal source may be controlled to provide substitute channels. *See id.* at paragraph [0022]. A market researcher's computer may determine which zone demographically suits a channel. *See id.* at paragraph [0023]. A base band switch may respond to control signals to selectively connect inputs to outputs. *See id.* at paragraph [0028]. A market researcher may control the base band switch. *See id.* at paragraph [0029].

Block discusses content labels that are used to block or substitute content. *See* U.S. Patent 6,675,384 to Block (Jan. 6, 2004) at Abstract, lines 2-5. *See also id.* at column 3, lines

43-46; column 3, lines 59-60; and FIGS. 1-4.   A user can establish rating limits, and *Block* blocks content that has a rating exceeding the limit.   *See id.* at column 2, lines 10-20.   *See also id.* at column 4, lines 10-45.   *Block* may even "mask" objectionable portions of a frame.   *See id.* at column 8, line 55 through column 9, lines 25.   *Block* may also determine the percentage of a program that exceeds a specific rating.   *See id.* at column 13, lines 10-32.

Still, though, the proposed combination of *Oko*, *Cowan*, and *Block* does not obviate independent claims 6 and 9.   The combined teaching of *Oko*, *Cowan*, and *Block* does not teach or suggest "*configuring the batch of program data as tabular entries, with a first entry being a default entry comprising a linear arrangement of ratings and content attributes for the program,*" as independent claim 6 recites.   The combined teaching of *Oko*, *Cowan*, and *Block* also fails to teach or suggest "*each subsequent entry comprising another linear arrangement of a timestamp, a corresponding rating, and a corresponding content attribute, the timestamp being an offset from a start of the program,*" as independent claim 9 recites.   Independent claims 6 and 9, then, cannot be obvious over *Oko*, *Cowan*, and *Block*.

Claims 6-9 and 19-20, then, are not obvious over *Oko*, *Cowan*, and *Block*.   Independent claims 6 and 9 recite many features that are not taught or suggested by the proposed combination of *Oko*, *Cowan*, and *Block*.   The dependent claims incorporate these same features and recite additional features.   Because *Oko*, *Cowan*, and *Block* are silent to all the claimed features, one of ordinary skill in the art would not think that claims 6-9 and 19-20 are obvious.   The Assignee thus respectfully requests removal of the § 103 (a) rejection of claims 6-9 and 19-20.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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